IN THE CLAIMS:

Please cancel Claim 5, without prejudice to or disclaimer of the subject matter recited therein. Please amend Claims1, 8 and 9, as follows.

1. (Currently Amended) A diffractive optical element comprising:

a first diffractive optical part having a phase-type diffractive grating; and

a second diffractive optical part having a phase-type diffractive grating formed ~~from~~ of a material differing from that of said first diffractive optical part;

said first diffractive optical part and said second diffractive optical part being disposed in proximity to each other with a space therebetween;

each of said first diffractive optical part and said second diffractive optical part having a mark for aligning them, said mark being in an area where the diffractive grating is provided;

the depth of said mark is 10% or less of the depth of the diffractive grating of each of said first diffractive optical part and said second diffractive optical part.

2. (Previously Amended) The diffractive optical element of Claim 1, wherein the diffractive grating of each of said first diffractive optical part and said second diffractive optical part is a diffractive grating formed into a concentric circular shape, and said mark has a size of 0.1% or less of a projection area of a first diffractive grating area as counted from the center.

3. (Previously Presented) The diffractive optical element of Claim 2, wherein the influence of said mark upon the optical performance of said diffractive optical element is smaller than the reduction of optical performance caused by manufacturing imperfections.

4. (Canceled)

5. (Canceled)

6. (Original) An optical system provided with the diffractive optical element of Claim 1.

7. (Canceled)

8. (Currently Amended) A method of manufacturing a diffractive optical element comprising:

the step of molding a first diffractive optical part having a phase-type diffractive grating;

the step of molding a second diffractive optical part having a phase-type diffractive grating of a material differing from that of the first diffractive optical part;

the step of aligning the first diffractive optical part and the second diffractive optical part with each other while observing a mark present in an area where the

diffractive grating is provided on each of the first diffractive optical part and the second diffractive optical part; and

the step of fixing the first diffractive optical part and the second diffractive optical part with a space therebetween,

wherein the depth of the mark is 10% or less of the depth of the diffractive grating of each of the first diffractive optical part and the second diffractive optical part.

9. (Currently Amended) A metal mold for manufacturing a diffractive optical element comprising:

a first area for molding a phase-type diffractive grating; and

a second area for molding a mark for aligning said diffractive grating with another member, said second area being provided in an area for forming the diffractive grating molded by said first area,

wherein the depth of the second area for molding the mark is 10% or less of the depth of the first area for molding the diffractive grating.